

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 31742/2019

DATE: 2025-06-03

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: ~~YES~~/NO.

(2) OF INTEREST TO OTHER JUDGES: ~~YES~~/NO.

(3) REVISED.

DATE 10/06/2025

SIGNATURE [REDACTED]

10 In the matter between

KAMBANJE MUNYARADZI

Applicant

and

ROAD ACCIDENT FUND

Respondent

JUDGMENT

20 YACOOB, J: This matter was allocated to me for trial for today being set down for two to three days. A practice note was filed indicating that the matter was ready for trial. Thereupon it was allocated to me for hearing.

On counsel appearing, I was informed that counsel for the plaintiff was only briefed in order to remove the matter, that even though his name appears on the practice note, it was inserted by attorney and that counsel was, in

fact, on trial in another matter today in this court.

He further indicated that the reason for the removal is that certain documents are still outstanding. The defendant's counsel, Ms Mhlongo confirmed that on the defendant's side they were also looking for some documents and that, in fact, there was supposed to be a removal by agreement with no order as to costs.

However, in these circumstances where the matter was not ready for trial, and the attorney caused a practice
10 note to be filed, indicating that the matter was ready for trial, and causing an allocation, in circumstances where it is well-known to the public that the Court's roll is overrun and that people awaiting for court dates to 2031, it is unacceptable that the matter was allowed to remain on the roll when it was not ready.

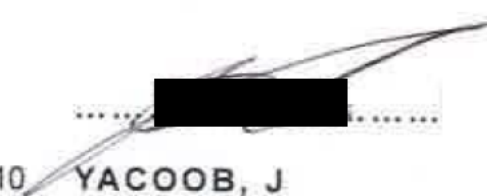
For these reasons I consider it appropriate to reserve costs of the postponement to be determined by the trial court, and to require that the attorney for the plaintiff
20 file an affidavit, explaining his conduct and providing reasons why he should not be ordered to pay the costs for today *de bonis propriis*.

I make the following order:

1. The matter is removed from the roll.
2. Costs are reserved to be determined by the

trial court.

3. The plaintiff's attorney is to file an affidavit explaining his conduct and providing reasons to the trial court why they should not be ordered to pay the costs of the postponement *de bonis propriis*.

10  [REDACTED]

JUDGE OF THE HIGH COURT

DATE: 10/06/2025